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UNITED STATES BANKRUPTCY COURT
 EASTERN DISTRICT OF CALIFORNIA
 SACRAMENTO DIVISION

In re:)	CASE NO. 13-30287 - A - 13J
)	
RODNEY LAMBERT AND CHANDRA)	DC No.: KO-2
GERMAINE LAMBERT,)	
)	Date: October 28, 2013
Debtors.)	Time: <u>1:30 p.m.</u>
)	Dept: A - Court Room 28
)	501 I Street, 7th Floor
)	Sacramento, California
)	Judge: Hon. Michael S. McManus

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

Valley Bank ("Lender"), hereby moves this court for an order terminating the automatic stay of 11 U.S.C. section 362 as to certain real property located in Miami-Dade County, Florida, known as 1071 Little River Dr., Miami, FL, 33150 (the "Real Property"), owned by RODNEY LAMBERT ("Debtor R. Lambert"), such that Lender may pursue any and all remedies available to it under the terms of the loan documents which are the subject of this motion (the "Loan Documents"), including, but not limited to, foreclosure of its deed of trust, and the prosecution of any remedies available to it under state law in order to obtain possession of and sell the Real Property thereafter. Debtor R. Lambert and CHANDRA GERMAINE LAMBERT will be referred to collectively herein as "Debtors."

This motion is brought pursuant to 11 U.S.C. section 362(d)(2) and Local Rules 4001-1 and 9014-1(f)(1). This motion is based on the Notice of Hearing, the Points and Authorities, and

1 the Request for Judicial Notice, all of which have been filed and served herewith, as well as the
2 papers, files, and records of this court in the within bankruptcy case, and upon such oral and
3 documentary evidence as may be put forth at the time of the hearing, if any.

4 Debtor R. Lambert is indebted to Lender under a loan ("Loan") described in the
5 Declaration of Andy Erpelding ("Erpelding Declaration") filed in support of Lender's objection
6 to confirmation of Debtors' Chapter 13 Plan. The Loan is secured by that certain Mortgage Deed
7 and Security Agreement dated January 16, 2007 ("Mortgage"), executed by Debtor R. Lambert as
8 mortgagor, and recorded in the Official Records of Miami-Dade County, Florida on January 17,
9 2007, CFN 2007R0054904. The Mortgage encumbers the Real Property.

10 Debtor R. Lambert is in default under the Loan for failure to pay the monthly payments
11 and for failure to pay the Loan on or before the Loan's maturity date as required under the loan
12 documents evidencing the Loan. As of August 2, 2013 (the "Petition Date"), there was due and
13 owing under the Loan the sum of \$69,271.77, consisting of principal in the amount of
14 \$66,413.52, accrued and unpaid interest in the amount of \$2,698.95, and Late Charges in the
15 amount of \$159.30.

16 Debtors state in their petition that the value of the Real Property as of the Petition Date is
17 \$67,744.00. As such, Debtors have no equity in the Real Property. Debtors provide in their
18 proposed Chapter 13 Plan to pay an arrearage amount on the Loan in the amount of \$2,500.00,
19 which is far less than the full amount owing. Debtor R. Lambert stated at the First Meeting of
20 Creditors in this matter that he has received no rental income in the last two years, including
21 from the Real Property. The Real Property is not contributing any income to the Debtors'
22 successful reorganization. As such, Lender is entitled to relief from the automatic stay with
23 respect to the Real Property.

24 Lender respectfully requests the Court to enter an order granting Lender immediate relief
25 from the automatic stay in order to take all actions necessary to complete its repossession, sale
26 and/or collection on the Real Property, and pursue all remedies available to it under state law to
27 obtain possession of, sell and/or collect proceeds from the Real Property.

1 Respectfully submitted,

2 Dated: September 27, 2013

KRAFT OPICH, LLP

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4 By: /s/ Kevin G. Howard
5 KEVIN G. HOWARD, ESQ.
6 Attorneys for creditor
7 Valley Bank
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